REMARKS

Claims 1 to 6, 8 to 22 and 24 are pending in the application, of which claims 1 and 13 are independent. Favorable reconsideration and further examination are requested.

In the Office Action, claims 1 to 6 and 8 to 12 were rejected over U.S. Patent No. 6,188,307 (Katsuki); claims 13 and 15 to 22 were rejected over Katsuki in view U.S. Patent Publication No. 2002/0089408 (Walsh); claim 14 was rejected over Katsuki and Walsh in view of U.S. Patent No. D292089 (Smith); and claim 24 was rejected over Katsuki and Walsh in view of U.S. Patent Publication No. 2002/0172259 (Bach).

Independent claims 1 and 13 continue to specify that the housing has an upper side that completely covers the first electrical component and the second electrical component and that protects the first electrical component and the second electrical component from a contact voltage. The applied art is not understood to disclose or to suggest this feature of the claims.

As previously explained, Katsuki's insulating case 21, which was equated to the claims' housing[1], does not completely cover the first electrical component and the second electrical component. More specifically, as shown in Figs. 5 and 7 of Katsuki (reproduced below), case 21 includes two cavities 21a and 21b.

[1] Office Action, page 2

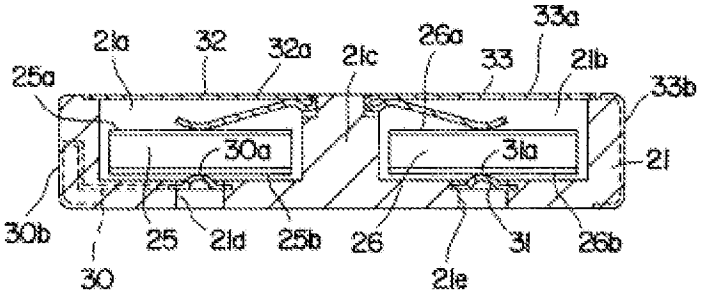


FIG. 5

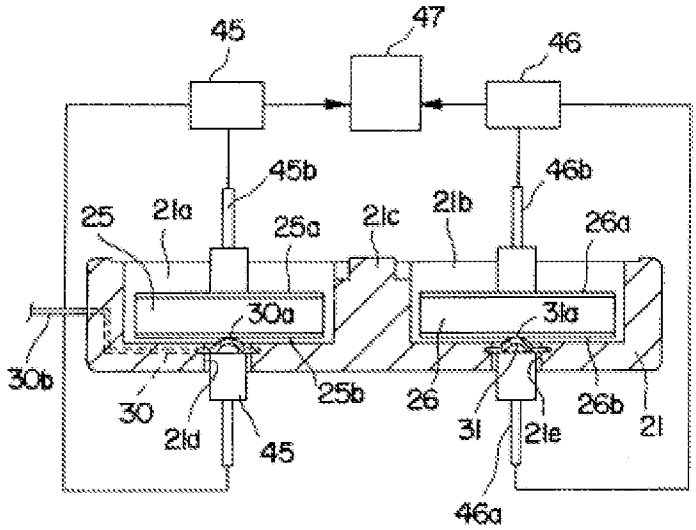


FIG. 7

Cavities 21a and 21b are formed so that they are externally accessible, and do not completely cover the components. The reason for forming the cavities relates to trimming and measuring trimming resistance, as is described in the following excerpt from column 6, lines 21 through 57:

> The thermistor devices 25 and 26 are inserted horizontally into the cavities 21a and 21b of the case 21, as shown in FIG. 7. One measuring terminal 45a of a resistance measuring instrument 45 is inserted into a first hole 21d of the case 21 to touch a first protruding terminal 30. The other measuring terminal 45b is also inserted into a first cavity 21a to touch the first spring electrode 25a. In the same way, one measuring terminal 46a of a second resistance measuring instrument 46 touches a second protruding terminal 31 and the other measuring terminal 46b touches a second electrode 26a. Then the resistances of the thermistor devices 25 and 26 are measured at the same time to avoid adverse effects caused by a change in the ambient temperature on resistance measurement and a minute change by aging of the resistance measuring instruments 45 and 46. Therefore, the difference in resistance between the two thermistor devices 25 and 26 is accurately measured to conduct accurate trimming in a subsequent process.
>
> The measured, accurate resistance data is sent to a calculation processing unit 47 and an electrode area to be removed from whichever has a lower resistance between the two thermistor devices 25 and 26 (in the second embodiment, the left thermistor device 25 as shown in FIG. 4) is calculated from the resistance difference between the two thermistor devices. Then, according to the electrode area to be removed, a drive signal is sent from the calculation processing unit 47 to a laser trimming unit 50. The laser trimming unit 50 emits a laser beam L to trim the thermistor device 25, which has a lower resistance. In other words, a part of the electrode 25a, which is exposed through the opening portion of the cavity 21a, is removed and the whole area of the electrode is reduced by the specified area. The thermistor device 25 in which part of the electrode 25a has been removed has a higher resistance than before, the higher resistance being substantially the same as that of the other thermistor device 26.

The Office Action recognizes that insulating case 21 does not completely cover the first electrical component and the second electrical component, and relies on the statement in Katsuki that a lid may be used to cover insulating case 21. In particular, the Office Action states the following:

Response to Arguments

Applicant's arguments filed 06/02/2009 have been fully considered but they are not persuasive.

Applicant argues on page 11 of the REMARKS regarding claims 1 and 13 that the additional lid, which is described in column 5, is not part of the housing but rather an addition thereto. Since the lid is not part of the housing, we respectfully submit that Katsuki does not disclose or suggest a housing that has the claimed characteristics.

The Examiner notes that the applicant has claimed "comprising: ...a housing..." The applicant has not claimed only one housing, or a singular housing. It is reasonable to say that once the lid is closed and sealed to prevent damage to the first and the second electrical components [Fig. 5; 25, 26], then the entire external housing comprising the lid and 21 can be considered as one housing. [2]

We respectfully disagree. When read in light of the specification, the "housing" that has an upper side that completely covers the first electrical component and the second electrical component constitutes a single, contiguous structure that is for protecting the first electrical component and the second electrical component from a contact voltage. This single, contiguous structure is depicted in Figs. 2 and 3 below, which are reproduced from the application:

[2] Office Action, page 9

FIG 2

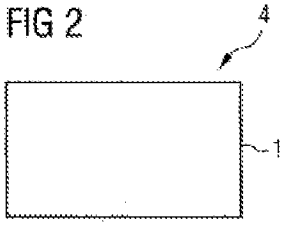
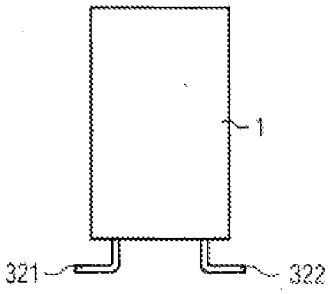


FIG 3



In this regard, we note that the specification references "the housing" in numerous places with reference to Figs. 2 and 3. This, we believe, further lends support to our above-defined construction of the word "housing", i.e., as a single, contiguous structure. Since the alleged counterpart housing in Katsuki includes two structures, namely the lid and the insulating case, we respectfully submit that Katsuki does not render claims 1 and 13 obvious.

Walsh, Smith and Bach are not understood to remedy the foregoing deficiencies of Katsuki vis-à-vis independent claims 1 and 13. Accordingly, these claims are believed to define over the art.

Dependent claims are also believed to define patentable features. Each dependent claim partakes of the novelty of its corresponding independent claim and, as such, has not been discussed specifically herein.

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

In view of the foregoing amendments and remarks, we respectfully submit that the application is in condition for allowance, and such action is respectfully requested at the Examiner's earliest convenience.

The undersigned attorney can be reached at the address shown below. All telephone calls should be directed to the undersigned at 617-521-7896.

Please apply any charges or credits, which are not otherwise paid, to deposit account no. 06-1050.

Respectfully submitted,

Date: November 17, 2009

/Paul Pysher/

Paul A. Pysher
Reg. No. 40,780

Fish & Richardson P.C.
225 Franklin Street
Boston, MA 02110
Telephone: (617) 542-5070
Facsimile: (617) 542-8906